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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE: VIOLENCE AGAINST WOMEN

Written statement* submitted by Human Rights Advocates International, a non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Trafficking in Women and Children

The Problem:

1. The traffic in women and children has been described as "trade in human misery."1 Many victims are forced into prostitution through physical brutality and torture. Those who rebel against their exploiters are starved, whipped, burnt, cut, or locked up.2 They lose their personal freedom, are cheated of their earnings, and are forced to work in degrading or life-threatening situations. 3 They are vulnerable to extreme exploitation and abuse because they are abducted, coerced, tricked or sold into situations from which they cannot escape and cannot control.4 They are denied the most basic human rights, often their right to life.

2. Trafficking continues to flourish despite numerous international and domestic efforts to stop it. Internationally, an estimated one to four million women and children are trafficked each year.5 Trafficking is now considered the third largest source of profits for organized crime, behind only drugs and guns, generating billions of dollars annually.6

3. Trafficking affects nearly every country. In the classic pattern of trafficking, victims are procured from their home country and transported to an unfamiliar environment, often in another country. For example, Eastern Europe and the countries of the former Soviet Union have become the main source of trafficked women to Western Europe, particularly Italy, Germany, France, the Netherlands, Greece, and Austria.7 Western Europe is also a destination area for victims from Africa and Latin America.8 Southeast Asia, specifically China, Burma, the Philippines, Cambodia, Thailand and Vietnam are sources of victims sent to the United States, Australia, Western Europe, the Middle East, and Japan.

The Cause:

4. Trafficking, like any trade, can be analyzed under general economic theory in terms of supply and demand components.

   - "To supply" is "to make available for use."9 Traffickers are suppliers because they make

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1 *Trading in Misery: Where Women and Children are Easy Victims*, THE STATESMAN (INDIA), March 30, 2001.
2 Susan Feanne Toepfer & Bryan Stuart Wells, *Worldwide Market for Sex: A Review of International and Regional Legal Prohibitions Regarding Trafficking in Women*, 2 MICH. J. GENDER & LAW 83, 87 (1994).
3 Gillian Caldwell, Steven Galster & Nadia Steinzor, *Crime and Servitude: An Expose of the Traffic in Women for Prostitution from the Newly Independent States*, presented at an international conference on "The Trafficking of NIS Women Abroad", November 3-5, 1997 (visited Jan. 15, 2001) http://www.globalsurvival.net/femaletrade/9711russia.html
4 Shelly Case Inglis, *Expanding International and National Protections Against Trafficking for Forced Labor Using a Human Rights Framework*, 7 BUFF. HUM. RTS. L. REV. 55 (2001).
5 Francis T. Miko and Grace Park, *Trafficking in Women and Children: The U.S. and International Response, Congressional Research Service Report 98-649C* (May 10, 2000) http://usinfo.state.gov/topical/global/traffic/crs0510.htm.
6 *Id.*
7 *Id.*
8 *Id.*
9 WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY, 1186 (Mirriam-Webster 1990)

the victim available for use by others as a prostitute or mail order bride.

- "Demand" is "a willingness or ability to purchase a commodity or service." 10 In some sense, traffickers are demanders because they initially purchase the victim, but they are better described as suppliers because their purpose is to profit by selling the victim to others. The willingness of men to pay for prostituted women is the demand because these men are the end users. 11

5. The demand for commercial sex is crucial in motivating traffickers to procure victims. In Germany, they exact up to $30,000US from each trafficked woman or child for her purchase price and travel expenses.12 In addition, the traffickers extort exorbitant sums daily from trafficked women and children in mandatory fees for room and board, pimping, and doctor's and lawyers' services.13 The demand for commercial sex pays for the traffickers' profit.

6. Trafficking exists to meet the excess demand for commercial sex workers.

   -Women generally do not volunteer to enter the commercial sex industry. A survey of over 1000 Ukrainian women and girls seeking jobs abroad showed that none were willing to take a job in the "in the commercial sex industry."14 Even after the job titles were cloaked in euphemisms, such as "hostess" or "dancer," only the youngest, and perhaps most naïve, of the women were willing to take the jobs.15

   -If there were a sufficient supply of willing prostitutes to meet the demand for commercial sex, traffickers would not have a job. Traffickers use deception and coercion to procure women because even those in difficult circumstances would not voluntarily enter the situations into which they are trafficked. Many women and children are tricked into prostitution by offers of legitimate jobs, which she finds, upon arrival, is only a cover for prostitution.16 Others are kidnapped or sold into prostitution by their families.17

7. Reducing demand is crucial to any strategy to reduce trafficking. The rise of drug use in the U.S. despite the "War on Drugs" campaign illustrates the shortcomings of strategies focused exclusively on supply. 18 In contrast, U.S. education programs aimed at demand have reduced adult smoking by twenty-eight percent from 1965 to 1987. 19 A San Francisco "school for johns" is an example of an education program that addresses the demand for

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10 *Id.*
11 *See* Donna M. Hughes, *Men Create the Demand; Women Are the Supply: Lecture on Sexual Exploitation*, (visited Jan. 15, 2001) http://www.uri.edu/artsci/wms/hughes/demand.htm#_ftn1.
12 Donna M. Hughes, *The "Natasha" Trade: The Transnational Shadow Market of Trafficking in Women*, J. INT'L AFF., Spring 2000 at 625.
13 *Id.*
14 *Id.*
15 *Id.*
16 Isabelle Talleyrand, *Military Prostitution: How the Authorities Worldwide Aid and Abet International Trafficking in Women*, 27 SYRACUSE J. INT'L L. & COM. 151, 158 (2000).
17 *Id.*
18 See Eric Grant Luna, *Our Vietnam: The Prohibition Apocalypse*, 46 DEPAUL L. REV. 483, 518 (1997).
19 *Id.*

trafficked victims.20 This program "has kept virtually all of the men from becoming repeat offenders."21

8. The role of military personnel in perpetuating the traffic in women and children illustrates the close connection between demand and trafficking.

   - Extensive patronization of brothels by military personnel has contributed to the demand for prostitution. For example, the demand by U.S. military personnel for commercial sex during the Vietnam War era played a key role in the development of the international sex tourism industry.22 Even today, red light districts catering to servicemen are located near almost every U.S. military base in the United States, Germany and Okinawa.23 The Los Angeles Times reported that U.N. peacekeeping troops in Mozambique encouraged prostitution by buying sex from children as young as twelve and fourteen years old.24 These relatively wealthy soldiers, serving in one of the poorest countries in Africa, reportedly caused a "publicly perceptible increase in prostitution."25 It has also been alleged that in Zagreb, U.N. troops often asked local women on the streets how much they cost, and that some refugee women were coerced into sexually servicing U.N. troops in order to receive aid. 26

   - The demand by military personnel for commercial sex supports trafficking because many of the sex workers they use were trafficked into prostitution.27 Evidence indicates that many sex workers that served U.S. soldiers stationed in Honduras in the 1980's were kidnapped and brought to the brothels by Honduran officials.28 Others became so deeply indebted to the Honduran men who supplied their minimal food and housing that they were never able to pay off their debt and regain freedom.29 In the Philippines, sex workers who serviced soldiers stationed at military bases were recruited using false

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20 Kristen Wiebe, *The International Sex Trade: With the Many International, Regional and Domestic Instruments Addressing Trafficking of Persons for Sexual Slavery, Why Does the Trade Continue to Florish?*,(April 2001)(on file with the *University of San Francisco International Human Rights Clinic*), citing Brad Knickerbocker, *Prostitution's Pernicious Reach Grows in the U.S.*, CHRISTIAN SCIENCE MONITOR, Oct. 23, 1996.

21 *Id.*

22 Elizabeth Rho-Ng, *The Conscription of Asian Sex Slaves: Causes and Effects of U.S. Military Sex Colonialism in Thailand and the Call to Expand U.S. Asylum Law*, 7 ASIAN L. J. 103 (2000). See also Nancy Beyer, *The Sex Tourism Industry Spreads to Costa Rica and Honduras: Are These Countries Doing Enough to Protect Their Children From Sexual Exploitation*, 29 GA. J. INT'L & COMP. L. 301 (2001).

23 Talleyrand, *supra* note 16 at 154.

24 *Id.* at 156-57, citing Stanley Meisler, *Prostitution Report Accuses UN Troops in Mozambique*, L.A. TIMES, Feb. 26, 1994, at A11.

25 *Id.*

26 Talleyrand, *supra* note 16, at 157, citing Catharine A. MacKinnon, *Rape, Genocide, and Women's International Human Rights*, 17 HARV. WOMEN'S L. J. 5, 7 (1994), citing a Letter from Natalie Nenadic to Katherine MacKinnon, author, (October 13, 1992)(on file with the *Harvard Women's Law Journal.*)

27 Talleyrand, *supra* note 16, at 158.

28 *Id.* at 159., citing CYNTHIA ENLOE, THE MORNING AFTER: SEXUAL POLITICS AT THE END OF THE COLD WAR 119 (1993).

29 *Id.*

promises of high pay.30 As in Honduras, the Philippine sex workers were forced to remain in the sex industry by debts for their housing.31

- On some occasions, military personnel have reportedly contributed directly to the trafficking problem. Some U.S. veterans stayed in the Philippines after their base closed to work as procurers of young women for the sex tourism and military prostitution industries.32 Others founded mail order bride agencies.33 Identical incidents in Thailand indicate that some of the investors and managers of Thailand's brothels were Thai military officers.34 In Kampuchea, 22,000 UNTAC troops reportedly created a prostitution industry by recruiting truckloads of Vietnamese women and driving them into Cambodia.35

9. The World Bank, through its lending policies, has indirectly supported the demand for trafficked victims.36 For example, after the Vietnam War, the World Bank helped develop Thai tourism policies that permitted the proliferation of sex tourism in Thailand.37

Current Law

10. No international instrument in force addresses demand. The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others38 obligates states parties to take action "for the prevention of prostitution."39 The Convention on the Elimination of All Forms of Discrimination Against Women40 recommends that all states take appropriate measures to end the trafficking of women, but does not define appropriate measures. The Convention on the Rights of the Child obligates states to protect children from sexual exploitation and abuse. 41 None of these instruments refer to demand.

11. In the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Protocol)42, the international community has, for the first time, recognized the need to address demand. Article 9, paragraph 5 of the Protocol would obligate states

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30 Talleyrand, *supra* note 16, at 159, citing SISTER MARY SOLEDAD PERPINAN, MILITARISM AND THE SEX INDUSTY IN THE PHILIPPINES, IN WOMEN AND VIOLENCE 150 (Miranda Davies ed., 1994).
31 *Id.*
32 Talleyrand,*supra* note 16, at 155, citing Enloe, *supra* note 28, at 151 and ANNE-MARIE CASS, SEX AND THE MILITARY, GENDER AND VIOLENCE IN THE PHILIPPINES 210 (1992).
33 Donna R. Lee, note, *Mail Fantasy: Global Sexual Exploitation in the Mail-Order Bride Industry and Proposed Legal Solutions*, 5 ASIAN L.J. 139, 160 (1998).
34 Talleyrand, *supra* note 16, at 155.
35 *Id.* at 156.
36 Rho-Ng, *supra* note 22 at 110-11.
37 *Id.*
38 2 U.S.T. 1997, 98 U.N.T.S. 101.
39 Susan Feanne Toepfer and Bryant Stuart Wells, *The Worldwide Market for Sex: A Review of International and Legal Prohibitions Regarding Trafficking in Women*, 2 MICH. J. GENDER & L. 83, 97, (1994).
40 G.A. Res. 34/180, U.N.GAOR Supp. No. 46, at 193, U.N. Doc. A/34/180 (1981).
41 Toepfer, *supra* note 40 at 97.
42 The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention Against Transnational Organized Crime United Nations Convention Against Transnational Organized Crime, Advance copy (visited Jan. 15, 2001) http://www.uncjin.org/Documents/Conventions/conventions.html

parties "to adopt or strengthen legislative or other measures, ... to discourage the demand that fosters all forms of exploitation of persons."43 As of January 15, 2002, only four countries have ratified the Protocol. An additional thirty-six countries must ratify before it enters into force.

12. Domestic law also fails to cure demand. Domestic laws often undermine the protections afforded to victims under international law by deporting and penalizing trafficked women for immigration and prostitution violations.44 Even where domestic laws are adequate, other factors prevent their enforcement. For example, some law enforcement officials in developing nations need to supplement their income by relying on financial incentives from traffickers to overlook their activities.45 On a larger scale, some economies have come to depend on income from industries that rely on the labor of trafficked victims. Sex tourism accounts for a large part of the $4 billion spent by tourists in Thailand.46

Recommendations:

13. HRA urges the Commission to request that national governments:
    - focus on reducing demand from consumers;
    - continue current efforts to assist supplying countries in alleviating conditions that contribute to trafficking; and
    - ratify and implement the Protocol domestically.

14. HRA urges the Commission to request that the United Nations and national governments
    - study the contribution of their military personnel to the demand for commercial sex; and
    - implement programs to reduce the impact of this demand on trafficking.

HRA urges the Commission to request that the World Bank and other lending institutions to consider the impact of their programs on trafficking.

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43 The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention Against Transnational Organized Crime (visited Jan. 15, 2001) http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf

44 Janie Chuang, *Redirecting The Debate over Trafficking in Women: Definitions, Paradigms, and Contexts*, 11 HARV. HUM. RTS. J. 65, 97 (1998).

45 Christopher M. Pilkerton, *Traffic Jam: Recommendations for Civil and Criminal Penalties to Curb the Recent Trafficking of Women From Post-Cold War Russia*, 6 MICH. J. GENDER & LAW 221 (1999).

46 Tanya Kateri Hernandez, *Sexual Harassment and Racial Disparity: The Mutual Construction of Gender and Race*, 4 J. GENDER RACE & JUST. 183, 201 (2001).